

# Eureka County Sheriff's Office

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**Keith A. Logan II**  
**Sheriff/Coroner**

February 22, 2017

United States Commission on Civil Rights  
Western Regional Office, Suite 2010  
300 North Los Angeles Street  
Los Angeles, California 90012

Nevada Committee on Civil Rights Regarding Municipal Fines and Fees

Chairperson and Distinguished Committee Members;

I am honored to provide you written testimony today on behalf of our small rural county in Nevada. Eureka County does not have any incorporated cities in our county. Our system operates under two limited jurisdiction courts, the Eureka Department and the Beowawe Department of the Eureka Justice Court under the Honorable Justice of the Peace John F. Schweble. Our county measures approximately 4,186 square miles with a population of around 2,000 citizens. Our county is bisected by Interstate 80 in the northern portion and historic U. S. Highway 50 in the southern portion of our county that provides from a great deal of seasonal traffic through our community. The Nevada Highway Patrol also works within our jurisdiction and does have cases that are handled by the Eureka Justice Court.

I have been the Sheriff for just over two years, replacing the honored seven term Sheriff, Kenneth E. Jones. I will concentrate the data of what has occurred in Eureka County, Nevada during my tenure as Sheriff of Eureka County. All fines and fees for traffic citations are set by the court. I have attached a copy of the fees schedule for your review with my testimony.

The Eureka County Sheriff's Office conducted a total of 1015 traffic stops in the calendar year 2015, issuing 109 citations. Of those 109 citations, 81 were issued for moving violations, 26 were issued for criminal or narcotics related matters and two were issued for violations of the animal control ordinances of Eureka County. Eight of those citations ultimately went to warrant for failure to appear. Seven of the eight warrants involved persons from outside of the State of Nevada. The single Nevada resident has been contacted, acknowledging that they failed to address the citation because of a lost job creating the inability to pay. That matter has been returned to the court for a solution.

I checked the demographic data of those persons receiving citations during 2015 to determine the composition of the group as a whole. Of the 109 subjects, 86 were male and 23 were female. The ethnicity of the group was determined to be; 82 were Caucasian,

twelve were Hispanic, five were Black, four were Asian and six were identified as being of a different or unknown race. 16 members of that group resided within Eureka County, 29 additional members were operating with a Nevada Driver's License, leaving 64 members of the group as being from out of state.

In 2016, the Eureka County Sheriff's Office encountered 772 persons during traffic stops within the county. 112 citations were issued during those enforcement stops. The 112 citations consisted of, 88 for moving violations, 19 for criminal or narcotic violations, four animal control ordinance violations and one unclassified citation. I was only able to locate 110 of those citations for review for this project. Eleven of those citations have gone to warrant. Nine are from out of state with the remaining two from Nevada.

In reviewing the 110 citations issued during 2016, the composition of the group broke down similar to 2015. 87 of the group were male, 23 were female. 80 member of the group were Caucasian, 16 were Hispanic, four were Black, three were Asian with the remaining seven members of the group were of another race or listed as unknown race. Twelve of those receiving citations in 2016 were local residents, 26 additionally possessed a Nevada Driver's License with the remaining 72 being from out of state.

During the time frame identified for those purpose of determining an impact of fines and fees upon those receiving a citation, average daily population of the jail facility was also reviewed. In 2015, the daily population count was 2.83 inmates housed per day. In 2016, the daily population count had increased to 3.00 inmates per day. This increase was directly attributed not to those persons who received a citation, but rather to long term inmates convicted of felony crimes and the increase of time necessary to complete the required pre-sentencing reports. I have not witnessed the cycle of citation or arrest, leading to the loss of job or opportunity to pay the fines and fees that result in continued or repeated incarceration in our local jail.

Eureka County currently has a total of 153 active warrants within our system. Thirteen of those warrants are for persons that resided in Nevada on the date that the original citation or criminal action occurred that resulted in the filing of charges in the matter. The remaining 140 warrants involved persons from outside of the state of Nevada. The total number of warrants identified date from May 16, 1991 through February 7, 2017.

Based on this data and personal knowledge, it does not appear that the fine / bail for each charge and the attached fees for those violations of the law impact the ability for the alleged violator to either pay or otherwise take care of their responsibility in court. It appears more likely, that a citation issued in a small rural community in Nevada to a driver that has no intention of returning to, does not pose a risk to the offender. Most of these warrants are only extraditable locally or inside of State of Nevada. As minor warrants do not impact the status of the offender's driving privilege, they can go on with their lives without much concern. The vast majority of persons contacted are provided with instruction and education and continue on their travels. Likewise, the great majority of those cited, address those citations within the time period provided through the local limited jurisdiction court.

The Eureka County Sheriff's Office does not receive any direct funding or benefit from any citations issued in Eureka County. I have observed the court take all matters provided by an offender into consideration during the final disposition of each case. I would suggest that future consideration of this topic be expanded to the Administrative Offices of the Court (AOC) in Nevada to review how the fines and fess schedules are created and the overall impact the courts see from defendants appearing before the courts. I remain concerned about how some minor violations have a low fine amount, but result in a higher fee added than the original violation fine.

Thank you for the opportunity to provide testimony for consideration from a rural prospective in Nevada, Your work is important and is appreciated to make our criminal justice system work for everyone. By the time this testimony is received by your Committee, I will begin my 30<sup>th</sup> year in Law Enforcement, all here in the State of Nevada. Our agency is authorized for eleven total sworn positions to serve our communities in all capacities.

Respectfully,

A handwritten signature in blue ink, appearing to read 'K. Logan', with a stylized flourish at the end.

Keith A. Logan, Sheriff

## **FINE AMOUNT**

## **ASSESSMENTS**

	AA	SPECIALTY	FACILITY	GENETIC
\$5 TO 49	\$ 30 +	\$7 +	\$10	\$3
\$50 TO 59	\$ 45 +	\$7 +	\$10	\$3
\$60 TO 69	\$ 50 +	\$7 +	\$10	\$3
\$70 TO 79	\$ 55 +	\$7 +	\$10	\$3
\$80 TO 89	\$ 60 +	\$7 +	\$10	\$3
\$90 TO 99	\$ 65 +	\$7 +	\$10	\$3
\$100 TO 199	\$ 75 +	\$7 +	\$10	\$3
\$200 TO 299	\$ 85 +	\$7 +	\$10	\$3
\$300 TO 399	\$ 95 +	\$7 +	\$10	\$3
\$400 TO 499	\$105 +	\$7 +	\$10	\$3
\$500 TO 1,000	\$120 +	\$7 +	\$10	\$3

## **JUVENILE CITATIONS:**

WILL BE ASSESSED A \$10.00 JUVENILE ASSESSMENT ONLY. THIS IS PER VIOLATION/CHARGE, NO MATTER WHAT THE FINE AMOUNT

## **DUI'S**

WILL BE ASSESSED AN ADDITIONAL \$100.00

**PATROL STATISTICS  
REPORTING PERIOD: 2015**

01/24/2017

<b>Statistic</b>	<b>Count</b>
Total Incidents	9793
Calls for Service	3989
Officer Initiated Incidents	5804
Traffic Stops	1015
Other OIA Incidents	4789
Bus/Building checks	375
Veh/Ped Check	636
 Total Officer Reports	 324
Coroner Report	11
Information / Incident	123
Offense	152
Traffic Accident	36
Unclassified Reports	2
 Total Misdemeanor & Felony Arrests	 71
Misdemeanor Arrests	60
Felony Arrests	11
 Total Citations	 109
Animal Citation	2
Criminal	20
Drug Violations	6
Moving Vehicle	81
 FIs	 9

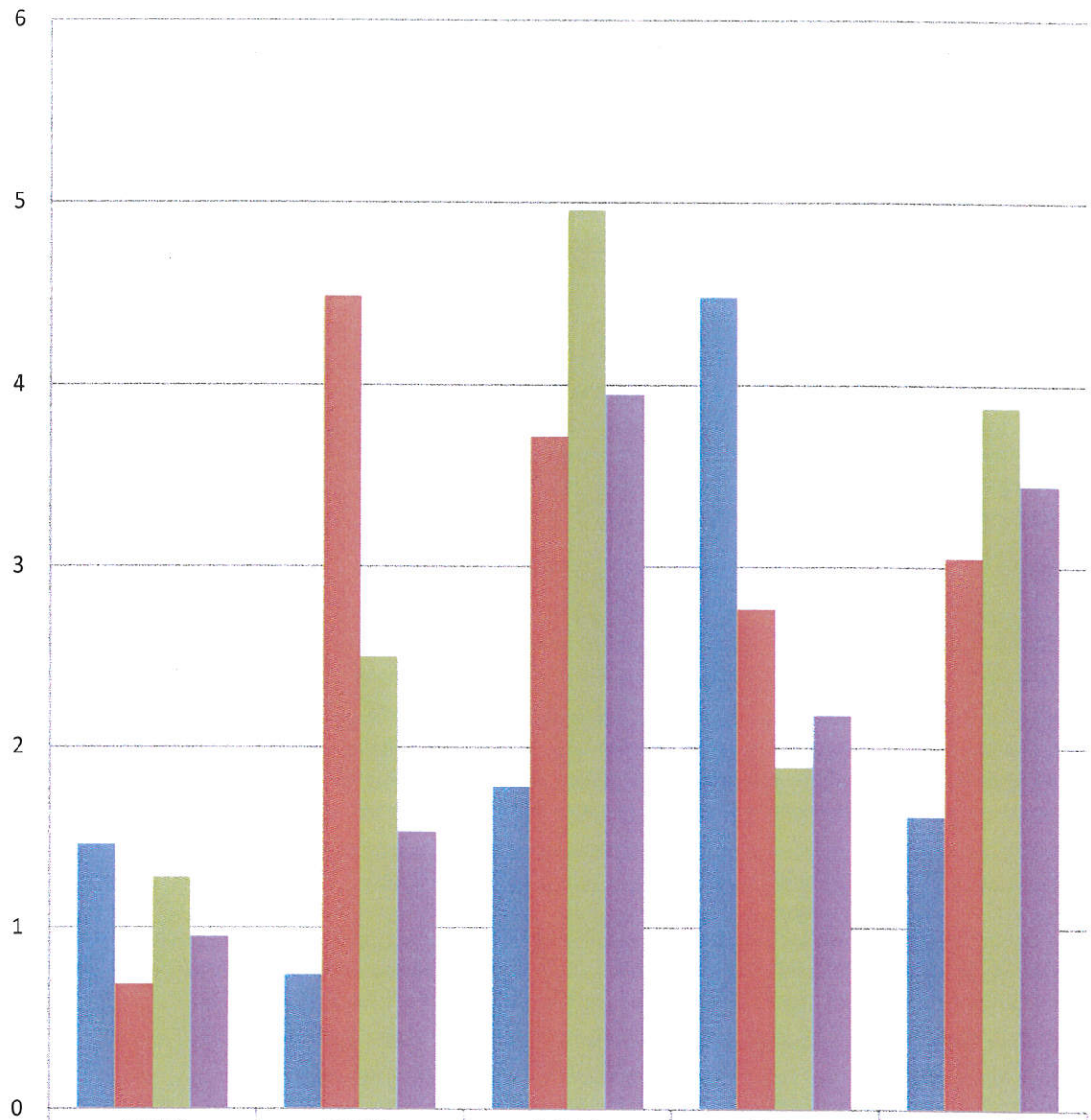
**PATROL STATISTICS  
REPORTING PERIOD: 2016**

01/24/2017

<b>Statistic</b>	<b>Count</b>
Total Incidents	9886
Calls for Service	3852
Officer Initiated Incidents	6034
Traffic Stops	772
Other OIA Incidents	5262
Bus/Building checks	396
Veh/Ped Check	387
 Total Officer Reports	 340
Coroner Report	12
Information / Incident	125
Offense	144
Traffic Accident	59
Unclassified Reports	0
 Total Misdemeanor & Felony Arrests	 64
Misdemeanor Arrests	48
Felony Arrests	16
 Total Citations	 112
Animal Citation	4
Criminal	18
Drug Violations	1
Moving Vehicle	88
Unclassified	1
 FIs	 23



## Daily Inmate Population Trends



	2012	2013	2014	2015	2016
Series 1	1.46	0.74	1.78	4.48	1.62
Series 2	0.69	4.49	3.72	2.77	3.05
Series 3	1.28	2.5	4.96	1.89	3.88
Series 4	0.95	1.53	3.95	2.18	3.45



"Protect and Serve"

March 02, 2017

US Commission on Civil Rights  
Attn: Ana Victoria Fortes  
Western Regional Office  
300 North Los Angeles Street, Suite 2010  
Los Angeles, CA 90012

Dear Commission:

Lyon County was created November 24, 1861. Located in northwestern Nevada, Lyon County includes two incorporated cities: the City of Fernley and the City of Yerington. A majority of the county's development lies within eight communities: Dayton (this community is considered to be Nevada's earliest permanent settlement), Fernley, Mason Valley, Mound House, Silver City, Silver Springs, Smith Valley, and Stagecoach. The county also includes all or parts of three tribal reservations: Yerington Paiute Tribe, Walker River Paiute Tribe, and Pyramid Lake Paiute Tribe. The Lyon County Sheriff's Office (LCSO) was organized in 1861. The agency's main office and detention facility is located in Yerington, with law enforcement substations located in Dayton, Fernley, and Silver Springs. The Sheriff's Office fulltime staff consists of 78 full-time sworn deputies and 30 non-sworn support staff.

The LCSO has 46 deputies assigned to community patrols and to provide emergent public safety across the county's 2,016 square miles with 22,628 homes and 1,227 commercial businesses. In addition to around the clock community patrols, the LCSO operates a 185-bed detention facility with a daily prisoner population of 85. The detention facility staffs 19 sworn deputy sheriffs and 9 non-sworn that houses pre-trial arrestees and convicted prisoners for the LCSO, but also for Nevada Highway Patrol, Yerington Police Department, Nevada State Parks, State of Nevada Parole & Probation, Yerington Paiute Tribal Police, Pyramid Lake Paiute Tribal Police, and Walker River Paiute Tribal Police.

The Nevada State Demographer estimates Lyon County's 2016 population at 53,644 with



## Lyon County Sheriff's Office

19.7-percent over 65 years of age and 22.4-percent under 18 years of age.<sup>1</sup> During the recent economic crisis, Lyon County suffered with one of the hardest hit economies in the nation. At the height of the crisis its unemployment rate rose to 17.9-percent. As of December 2016, Lyon County's unemployment rate sits at 6.3-percent while the state is at 4.9-percent and the nation's unemployment rate is at 4.7 percent<sup>2</sup>. Approximately 1,400 working age adults are unable to find work and in excess of 10,500 senior citizens are living on fixed incomes that saw reductions and/or stagnant growth rates during increases of cost of living. The Bureau of Economics' Per Capita Personal Income by County 2012-2014<sup>3</sup> shows Lyon County ranked 15<sup>th</sup> in Nevada. Our surrounding counties' average incomes are significantly higher than Lyon County's reported average income of \$31,720: Churchill (\$44,440), Carson (\$44,045), Douglas (\$57,113), and Washoe (\$46,211). Lyon County's projected 2015 per capita tax revenue compared to other Class 3 counties<sup>4</sup> is the lowest at \$456 as well: Carson City (\$894), Churchill (\$517), Douglas (\$743), Elko (\$581), Humboldt (\$1,161) and Nye (\$811).

The LCSO's workforce diversity is compatible to our community in which we serve. The following is being provided to illustrate our commitment.

LCSO		Lyon County (2014 US Census Bureau)
4.0%	Native American	3.2%
0	Asian/Pacific Islander	3.6%
9.4%	Hispanic	15.8%
1.3%	African American	1.3%
85.1%	White	76.3%
8.1%	Female	49.4%

The purpose of this hearing is to examine the extent to which fines and fees may be an issue in Lyon County, and if so, do these practices disproportionately impact individuals on the basis of race, color, or other federally protected class. To gain a better understanding of the citation demographics for Lyon County, our 2016 data is provided.

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<sup>1</sup> <http://quickfacts.census.gov/qfd/states/32/32019.html>

<sup>2</sup> <http://data.bls.gov/>

<sup>3</sup> <http://www.lyon-county.org/DocumentCenter/View/6637>

<sup>4</sup> Nevada Revised Statute 245.043

**2016 Lyon County Traffic Citation Demographics**

<b>Race</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Caucasian</b>	<b>858</b>	<b>578</b>	<b>1436</b>
<b>African American</b>	<b>14</b>	<b>5</b>	<b>19</b>
<b>Hispanic</b>	<b>10</b>	<b>1</b>	<b>11</b>
<b>Asian/Pacific Islander</b>	<b>11</b>	<b>2</b>	<b>13</b>
<b>Native American</b>	<b>12</b>	<b>4</b>	<b>16</b>
<b>Unknown</b>	<b>65</b>	<b>31</b>	<b>96</b>
<b>Gender Total</b>	<b>970</b>	<b>621</b>	

Using current political rhetoric, the data supports this statement. If you are a white male in Lyon County, there is a 54-percent probability you will be “racially profiled” by the LCSO, targeted for a traffic stop and issued a misdemeanor citation. Nonetheless, criminal justice reform discussions have too often been premised on the need to “fix” the system. Some individuals in the debate recklessly use rhetoric, such as “racial disparity,” to incite mistrust in our criminal justice system. Sadly, that anger is misdirected at our front-line peace officers.

The U.S. Constitution, Nevada Revised Statutes, and court rulings govern our criminal justice system. Accordingly, it is the legal duty of our officers, prosecutors, and judges to apply and enforce the laws as written, with adherence to directives such as probable cause and constitutional due process. Individuals are arrested for legislatively defined criminal acts and punished based upon legislatively enacted sentencing guidelines after a guilty plea or conviction by one’s peers.

This commission appears to have aimed its focus on racial and gender disparity to advance a political narrative. Because of its peripheral blinders, it cannot see a needed criminal justice reform aiming point; legislative reform to restructure sentencing philosophies to improve economic inequality. Lyon County’s economic data was supplied at the beginning of this letter in order to paint a realistic picture of our economic blight. We are a community that understands these impacts, which needs reform.

Our citizens are threatened with relative poverty, which refers to living below the standard of living for our society. Many of our citizens are below the poverty line, making them eligible for government welfare benefits. Regardless of the “magical” number, three facts stand

## **Lyon County Sheriff's Office**

out about poverty. First, no matter how we compute poverty, a vast majority of our citizens are poor. Secondly, how we define poverty has serious consequences for people's lives. The definition we use determines who will receive aid and who will not. And finally, poverty lies at the root of many other social problems, including the connection between poverty and prostitution, rape, murder, and alcoholism and other forms of drug addiction.

At the heart of poverty also lies criminal justice inequality. While the media portrays the poor committing the highest rates of burglary, theft, and robbery, the same media bombards them with messages urging them to want material success. As such, they develop illegitimate opportunity structures of robberies, burglaries, drug dealing, prostitution, pimping, gambling, and other income-producing crimes.

Middle and upper classes develop different illegitimate opportunities of white-collar crime such as tax evasion, bribery of public officials, advertising fraud, price fixing, and securities violations. Many of these economic crimes have the potential to impact large consumer bases and the communities in which they serve. White-collar crime may be more pervasive and costly to society, but it is less visible and carries milder punishment than their poorer counter-parts receive.

After arrest and sentencing, additional economic inequalities exist under Nevada's current bail system. While persons with financial abilities can post bail, the poor cannot, forcing them to wait weeks and months for case adjudication. To further illustrate economic disparities, a \$25.00 per hour wage earner convicted of domestic battery will be mandated to reimburse the state approximately 6-percent of their annual income as part of sentencing, while the minimum wage earner convicted of the same offense is mandated to reimburse approximately 19-percent of their annual income.

Mandatory special court treatment payments plans further illustrate economic inequality. Treatment costs for a minimum wage earner is in excess of 3.4-percent of gross earning while the \$25.00 wage earner only spends 1.2-percent. Because mandated payments and sentencing restitution fines, penalties, and fees are burdensome on low wage earners, they cannot escape the debt and eventually become rearrested for contempt of court. Through this vicious cycle of economic oppression, they turn back to relief in the form of drugs and alcohol, and eventually reoffend. Economic sentencing disparities must be fixed through legislative action.

Whatever one's perspective, law enforcement is not responsible for the criminal acts or

## **Lyon County Sheriff's Office**

mental health-related misconduct of individuals, or for their arrest and incarceration. We did not cause the opioid epidemic that is profiting drug cartels and street dealers, while killing thousands of individuals across this country.

Too often, discussions on crime and especially criminal justice reform are distractingly premised on falsely blaming law enforcement and then calling for reform in policing practices. Such discussions purposefully or naively ignore the overwhelming challenges to law enforcement's ability and resources to ensure public safety. Many of these challenges are national infrastructure issues, caused by a failure to address or adequately fund mental health treatment, education, drug enforcement and treatment, job training, corrections, immigration and border security, and limited legislative action.

In closing, I thank you for the opportunity to address an overlooked part of this discussion—that of legislative action directed to correct economic inequality at sentencing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al McNeil', with a stylized, cursive script.

Al McNeil

Sheriff

My name is Jeffrey Barr. I am formerly the City Attorney for the City of North Las Vegas, and now that I am in private practice, I recently wrapped up a civil rights litigation involving certain fees charged by the now-legislatively dissolved Las Vegas Constable's Office.

I want to discuss my experiences at the City first, and I stress that the following represents only my views and my opinion.

The City of North Las Vegas is Nevada's third or fourth largest city, and it is one of the most diverse cities in the State. A sizable proportion of its residents do not speak English as a first language. It is a wonderful City with many positive attributes.

Unfortunately, the City's municipal courts are not one of those positive attributes. In terms of the sheer volume of cases, the City's municipal courts are some of the busiest in the State. By law, municipal courts adjudicate traffic infractions and misdemeanors committed inside a city's corporate boundaries. As City Attorney, it was part of my job to prosecute these misdemeanors and traffic infractions. It is my opinion and my experience that the City's Municipal Court sees itself as a revenue generating machine, and I believe that the municipal courts are running the equivalent of a modern-day debtor's prison.

Let me give a completely hypothetical example that is an amalgamation of my first-hand experience.

A person receives a traffic citation. This defendant now faces two choices: pay a fine or adjudicate the ticket. If the person fails to pay the fine or fails to appear to adjudicate the citation, a warrant issues for the person's arrest. Marshals controlled solely by the Municipal Courts, and not accountable to the City Council, may then proceed to the person's residence with the arrest warrant in one hand and literally a credit card machine in the other. The putative defendant now faces an on-the-spot-choice: pay the Marshals right-then-and-there or face arrest. If the defendant cannot pay the fine in that instant, he or she is immediately arrested and sent to jail, again all stemming from a traffic infraction.

Of course, being thrown in jail for a traffic citation means that our putative defendant may miss several days or weeks of work. Missing this much time from work often means that our defendant loses his or her job, again all for a rolling stop or a speeding ticket.

In short, there is a two-tiered system of justice in the City of North Las Vegas: those who have any means whatsoever pay the fines. Those who do not have means go to jail. It is, for all intents, a debtor's prison.

I want to turn now to my experience with the Las Vegas Constable's Office. Nevada law required new residents to register their vehicles within 30 days of establishing residency. At the time of our lawsuit, Nevada law permitted Nevada constables to charge a \$100 fee for the privilege of writing the citation for failing to register. This \$100 fee was payable regardless of whether the defendant was adjudicated not guilty. This created an enormous financial incentive for the constable's offices to issue citations. Indeed, in our case, the Las Vegas Constable was paying his deputies a percentage of this \$100 fee as a bonus, in effect creating a bounty on every

citation issued, legitimately or not. Failure to pay this fee could result in a court issuing a warrant for the defendant's arrest, even if the defendant was exonerated.

Again, there was a two-tiered justice system. people of means paid the \$100 fee. People without means risked being thrown in debtor's prison, even if a court found them not guilty.

We successfully procured a preliminary injunction stopping the Las Vegas Constable from collecting the \$100 fee in our client's case. We subsequently discovered that the Las Vegas Constable issued thousands of these citations, and while we ultimately were not successful in getting a class certified, our lawsuit did prompt the Nevada Legislature to change the law to remedy its constitutional infirmity.

I thank the committee for listening to my testimony, and I'm happy to answer any questions.

Ms Fortes,

I saw the article in paper today and I wanted to provide my input on the burden excessive tickets and fees place on Las Vegas citizens. I have lived here twenty four years. As you may not be aware the city of Las Vegas is comprised of anything north of Sahara ave and everything to the south which makes up most of the community is Clark County. If you get a ticket in Clark County the Judges there are very fair and provide ample time and extensions to pay tickets off. You can even ask for community service to pay ticket off instead of paying and it is almost always granted by Judges. In the city of Las Vegas the community service option is almost impossible to receive. You have to be a certain income level and attend a hours long meeting to see if you qualify. In Clark County all you do is ask the Judge when you make your plea. The community service option is almost non existent in Las Vegas for people to achieve. In Clark County the fees are not added on like they are in the city of Las Vegas. The Traffic commissioner in Las Vegas for many years has been Valerie Weiner. She is one of the most cold hearted, unsympathetic person I have ever seen. I have had tickets in the county and the city and the county is very reasonable to deal with but Judge Weiner almost never, ever gives anyone a break. She has put people in jail for missing payments. I had to beg her once to make a late payment or go to jail. The fees are added on and she will not remove or reduce them. The Las Vegas review Journal has done multiple stories about her abuse and the abuse of the city feeding off the people who have the least. The city council knows about this and people have complained to them to act but they have done NOTHING. The city council has the authority to change the rules on how traffic revenues and fees can be reduced in Las Vegas but they look at the money coming in as their own piggy bank. It would be very simple for them to change the rules but they don't. If you can recommend the city council immediately changes the rules on fees and fines it would be a large help to the community. I have a ticket I have been paying for three years for a speeding violation but with the fees and fines I cannot catch up. The city of Las Vegas has no grace period, when your ticket payment is due if it is not paid a warrant for your arrest is issued at midnite that day. This is not government for the people but an abuse by those in charge. Feel free to contact me for any questions or further information.

Michael Bluestein  
702-788-6813